

REMARKS

Claims 1-43 are pending in the application. Claims 1 and 12 have been amended. The Examiner rejected Claims 1-27, 33-37 and 43. The Examiner objects to Claims 28-32 and 38-42, presumably based upon the Examiner's requirement for additional information pursuant to 37 C.F.R. § 1.105. Applicants respectfully request confirmation of the Examiner's consideration of the Second Supplemental Information Disclosure Statement filed on May 9, 2002, which is attached.

SECTION 103 (A) REJECTIONS BASED UPON *OIL & GAS JOURNAL* “TEXACO E&P CENTER ALLOWS VISUAL PROBE OF 3D DATA VOLUMES” IN VIEW OF *YANOF*.

Claims 1-9 and 12-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Oil & Gas Journal* “Texaco E&P Center Allows Visual Probe of 3D Data Volumes” (hereinafter “*Oil & Gas Journal*”) in view of *Yanof*.

According to the Examiner, *Yanof* discloses “producing a plurality of control points [164], in said probe face plane [134], said plurality of control points defining one or more lines on said probe face plane . . . extending a ribbon section [174] from said probe face plane toward said opposing probe face plane, one edge of said ribbon section [156] being formed by said one or more lines . . . selectively, imaging datawords representative of said physical phenomena at three-dimensional locations which intersect said ribbon section and said three-dimensional sampling probe [Fig. 6F].” Claims 1 and 12, as amended, now require “selectively imaging said datawords representative of said physical phenomena only at three-dimensional locations which intersect said ribbon section and said three-dimensional data volume.”

As disclosed in Fig. 6H of *Yanof*, only a portion of the physical phenomena is shown where the three-dimensional sampling probe is intersected by the alleged ribbon section. According to *Yanof* (col. 14, ln. 17-28), the remainder of the physical phenomena is hidden from

view by the visible portion of the three-dimensional sampling probe (object volume faces) that is not discarded. The imaging technique disclosed in *Yanof* is therefore, disadvantaged by the impaired perception of phenomena boundaries that are hidden by extraneous datawords, which compromises analysis and/or diagnosis of the physical phenomena. Even assuming the *Oil & Gas Journal* discloses the three-dimensional sampling probe claimed in both independent Claims 1 and 12, *Yanof* fails to disclose selectively imaging datawords representative of said physical phenomena only at three-dimensional locations where said ribbon section and said three-dimensional sampling probe (claim 1) or data volume (claim 2) intersect. This feature is further illustrated in Figure 17 of the Application.

Applicants respectfully submit that Claims 1 and 12, as amended, are patentable and non-obvious despite the teachings of *Yanof*. Because Claims 2-9 and 13-20 ultimately depend from Claims 1 and 12, respectively, these claims are also patentably distinguished from *Yanof* and non-obvious.

SECTION 103 (A) REJECTIONS BASED UPON *OIL & GAS JOURNAL* IN VIEW OF *YANOF* AND FURTHER IN VIEW OF MAGIC EARTH BROCHURE “DOES YOUR 3D INTERPRETATION SOFTWARE MOVE AS FAST AS YOU DO? GEO PROBE DOES.”

Claims 10 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Oil & Gas Journal* in view of *Yanof* and further in view of Magic Earth Brochure, “Does Your 3D Interpretation Software Move As Fast As You Do? GeoProbe Does.” (hereinafter “Magic Earth Brochure”). Because Claims 10 and 21 ultimately depend from independent Claims 1 and 12, respectively, these claims are also patentably distinguished from *Yanof*.

SECTION 103 (A) REJECTIONS BASED UPON *OIL & GAS JOURNAL* IN VIEW OF *YANOF* AND FURTHER IN VIEW OF *CLINE*.

Claims 11 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Oil & Gas Journal* in view of *Yanof* and further in view of *Cline*. Again, because Claims 11 and 22 ultimately depend from independent Claims 1 and 12, respectively, these claims are also patentably distinguished from *Yanof*.

SECTION 103 (A) REJECTIONS BASED UPON OIL & GAS IN VIEW OF WO 00/14574.

Claims 23-27, 33-37 and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Oil & Gas Journal* in view of WO 00/14574. The effective date of the WO 00/14574 reference is its publication date—March 6, 2000. Applicants respectfully traverse the Examiner’s rejection of these claims based upon the Declaration submitted contemporaneously herewith. The Declaration establishes Applicants’ priority of invention over the WO 00/14574 reference as to the subject matter found in Claims 23-26 and 33-35. These claims therefore, are patentable because the *Oil & Gas Journal* fails to disclose each element of the invention recited in these claims. Because Claims 27, 36, 37 and 43 ultimately depend from independent Claims 23 or 33, Applicants respectfully submit that these claims are patentable over the cited references.

OBJECTION BASED UPON REQUIREMENT FOR INFORMATION UNDER 37 C.F.R. § 1.105

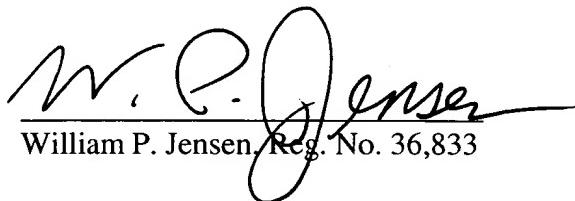
The Examiner also objects to Claims 28-32 and 38-42 because of the need for additional information regarding GeoProbe. More specifically, the Examiner requested information as to whether the subject matter disclosed in Claims 28-32 and 38-42 was included in a version of GeoProbe that was in public use or offered for sale before October 30, 2000. As

shown in the Declaration submitted herewith, the information disclosed in these claims was not released for public use/license until after October 30, 2000.

CONCLUSION

The rejections and objections raised by the Examiner have been fully traversed and addressed. In view of the above remarks, Claims 1-43 are now in condition for allowance. Alternatively, Applicants' representative is available to discuss this Response and Amendment with the Examiner to advance the Application.

Respectfully submitted,



William P. Jensen, Reg. No. 36,833

Date: September 15, 2003

SHOOK, HARDY & BACON L.L.P.
600 Travis, Suite 1600
Houston, Texas 77002-2911
Tel: (713) 227-8008
Fax: (713) 227-9508
wjensen@shb.com

CERTIFICATE OF MAILING - 37 C.F.R. § 1.10

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, mailing label number EL528646138US, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, on this date:

September 15, 2003
Date



Jan Adams Fulton